

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:) Examiner: Casler, Traci L.
)
Hofrichter et al.) Art Unit: 3629
)
Application No. 09/921,199) Confirmation No.: 6066
)
Filed: August 1, 2001)
)
For: SYSTEM AND METHOD FOR)
ENABLING DISTRIBUTION)
AND BROKERING OF)
CONTENT INFORMATION)
_____)

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 3629, mailed April 13, 2010, in which claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 in the above-identified application were rejected in a final action. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real parties in interest are the co-assignees of the full interest in the invention: Sony Electronics, Inc., Park Ridge, New Jersey, and Sony Corporation, Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 are pending in the application and were finally rejected in an Office Action mailed March 11, 2010. Claims 3, 5-7, 11-13, 21-23, 29, 32-35, and 40-42 were canceled during prosecution. Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 are the subject of this appeal. A copy of Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 is directed to enabling distribution and brokering of content information. [Specification, page 2, lines 5-7].

Independent method claim 1 claims transmitting, by the client, a request to download data, wherein said data comprises a content file [Specification, Figure 4, block 410, page 7, lines 7-9]. In addition, independent claim 1 claims receiving identification information and data downloaded from one of a plurality of content providers storing said data [Specification; Fig. 4, blocks 430 and 460, page 11, lines 14-25]. Furthermore, independent claim 1 claims that the identification information identifies said one content provider and are obtained by said one content provider from an original content provider of said data, where a server maintains a list of the plurality of content providers that provide the content file [Specification; Fig. 4, blocks 430, page 11, lines 14-19].

Independent claim 1 additionally claims transmitting, to said original content provider,

said identification information for said one content provider, which downloaded said data, along with payment for the download of said data [Specification, Figure 4, block 470, page 11, line 26 – page 12, line 2]. Independent claim 1 further claims transmitting, to said original content provider, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients [Specification; Figure 4, block 490, page 12, lines 3-7]. Independent claim 1 additionally claims receiving said distribution tool, wherein the distribution tool includes identification information for the server and the client. [Specification, Figure 4, block 495, page 12, lines 6-7]. Independent claim 1 also claims applying, by the client, said distribution tool to said data to identify said client as an additional content provider prior to distributing said data to a different client [Specification, page 6, lines 16-23]. Independent claim 1 further claims that the distribution tool is embedded in said data, the distribution tool is subsequently transmitted to the server by the different client after the different client downloads said data from said client, and the clients are operated by users of the content file [Specification, page 6, lines 16-23]. In addition, independent claim 1 claims that, in response to said applying, transmitting, to the server, a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file, wherein the list of the plurality of content providers providing the content file is updated to include the client as the additional content provider providing the content file [Specification, page 6, line 31 – page 7, line 3].

Independent method claim 9 claims receiving, from a client, identification information for one of a plurality of content providers, which downloaded of data to said client, along with payment for the download of said data [Specification, Figure 3, block 350, page 10, lines 16-21]. Independent claim 9 also claims that the data comprises a content file and a server maintains a list of the plurality of content providers that provide the content file [Specification, page 6, lines 24-29]. In addition, independent claim 9 claims receiving, from said client, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients, where the distribution tool includes identification information for the server and the client [Specification, Figure 3, block 380, page 11, line 29 – page 12, line 1]. Furthermore, independent claim 9 claims transmitting, by the server, said distribution tool to said client

for subsequent application of the distribution tool to said data by said client to identify said client as an additional content provider prior to distributing said data to a different client by said client [Specification, Figure 3, blocks 390, page 11, lines 1-4; page 6, lines 16-23]. Independent claim 9 additionally claims that the distribution tool is embedded in said data and said clients are operated by users of the content file [Specification, page 6, lines 16-23]. Independent claim 9 further claims, that in response to the client applying the distribution tool, receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file [Specification, page 6, line 31 – page 7, line 3]. In addition, independent claim 9 claims updating the list of the plurality of content providers providing the content file to include the client as the additional content provider providing the content file [Specification, page 6, lines 24-29]. Furthermore, independent claim 9 claims receiving the distribution tool from the different client after the different client downloads said data from the client [Specification, page 6, lines 24-29].

Independent system claim 19 claims a client configured to transmit a request to download data, wherein said data comprises a content file [Specification, page 5, line 30 – page 6, line 6]. In addition, independent claim 19 claims a server for an original content provider coupled to said client and configured to receive identification information for one of a plurality of content providers, which downloaded said data to said client, along with payment for the download of said data [Specification, Figure 3, block 350, page 10, lines 16-21]. Furthermore, independent claim 19 claims that the server is further configured to maintain a list of the plurality of content providers providing the content file [Specification, page 6, lines 24-29]. Independent claim 19 additionally claims that the server is further configured to receive a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients, where the distribution tool includes identification information for the server and the client [Specification, Figure 3, block 350, page 10, lines 16-21]. Independent claim 19 also claims that the server is further configured to transmit said distribution tool to said client, wherein said client is further configured to receive and apply said distribution tool to said content to identify said client as an additional content provider prior to distributing said data to a different client by said client [Specification, Figure 3, blocks 360 and 370, page

10, lines 22-28; page 6, lines 16-23]. Independent claim 19 also claims that the distribution tool is embedded in said data and said clients are operated by users of the content file [Specification, page 6, lines 16-23]. Independent claim 19 further claims that the server is further configured to, in response to said client applying said distribution tool, to receive a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file [Specification, page 6, line 31 – page 7, line 3]. Independent claim 19 additionally claims that the server is further configured to update the list of the plurality of content providers providing the content file to include the client as the additional content provider providing the content file [Specification, page 6, lines 24-29]. Independent claim 19 additionally claims that the server is further configured to receive the distribution tool from the different client after the different client downloads said data from the client [Specification, page 6, lines 24-29].

Independent machine-readable storage medium claim 30 claims having executable instructions, which, when executed in a processing system for a client, cause said system to perform a method [Specification, page 12, lines 8-18]. Independent claim 30 claims transmitting a request to download data, wherein said data comprises a content file [Specification, page Figure 4, block 410, page 7, lines 7-9]. In addition, independent claim 30 claims receiving identification information and data downloaded from one of a plurality of content providers storing said data [Specification; Fig. 4, blocks 430 and 460, page 11, lines 14-25]. Furthermore, independent claim 30 claims that the identification information identifies said one content provider and is obtained by said one content provider from an original content provider of said data, where a server maintains a list of the plurality of content providers that provide the content file [Specification; Fig. 4, Figure 4, block 470, page 11, line 26 – page 12, line 2]. Independent claim 30 additionally claims transmitting, to said original content provider, said identification information for said one content provider, which downloaded said data, along with payment for the download of said data [Specification, Figure 4, block 491, page 12, lines 18-21]. Independent claim 30 further claims transmitting, to said original content provider, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients [Specification; Figure 4, block 490,

page 12, lines 3-7]. Independent claim 30 additionally claims receiving said distribution tool, wherein the distribution tool includes identification information for the server and the client. [Specification, Figure 4, block 495, page 12, lines 6-7]. Independent claim 30 also claims applying said distribution tool to said data to identify said client as an additional content provider prior to distributing said data to a different client [Specification, page 6, lines 16-23]. Independent claim 30 further claims that the distribution tool is embedded in said data, the distribution tool is subsequently transmitted to the server by the different client after the different client downloads said data from said client, and the clients are operated by users of the content file [Specification, page 6, lines 16- 29]. In addition, independent claim 30 claims that, in response to said applying, transmitting, to the server, a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file, wherein the list of the plurality of content providers providing the content file is updated to include the client as the additional content provider providing the content file [Specification, page 6, line 31 – page 7, line 3].

Independent machine-readable storage medium claim 38 claims having executable instructions, which, when executed in a processing system for a client, cause said system to perform a method [Specification, page 12, lines 8-18]. Independent claim 38 claims receiving, from a client, identification information for one of a plurality of content providers, which downloaded of data to said client, along with payment for the download of said data [Specification, Figure 3, block 350, page 10, lines 16-21]. Independent claim 38 also claims that the data comprises a content file and a server maintains a list of the plurality of content providers that provide the content file [Specification, page 6, lines 24-29]. In addition, independent claim 38 claims receiving, from said client, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients, where the distribution tool includes identification information for the server and the client [Specification, Figure 3, block 370, page 10, lines 16-21]. Furthermore, independent claim 38 claims transmitting, by the server, said distribution tool to said client for subsequent application of the distribution tool to said data by said client to identify said client as an additional content provider prior to distributing said data to a different client by said client [Specification,

Figure 3, block 380, page 11, line 29 – page 12, line 1]. Independent claim 38 additionally claims that the distribution tool is embedded in said data and said clients are operated by users of the content file [Specification, page 6, lines 16-23]. Independent claim 38 further claims, that in response to the client applying the distribution tool, receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file [Specification, page 6, line 31 – page 7, line 3]. In addition, independent claim 38 claims updating the list of the plurality of content providers providing the content file to include the client as the additional content provider providing the content file [Specification, page 6, lines 24-29]. Furthermore, independent claim 38 claims receiving the distribution tool from the different client after the different client downloads said data from the client [Specification, page 6, lines 24-29].

Independent method claim 48 claims transmitting, by the client, a request to receive data, wherein said data comprises a content file [Specification, Figure 4, block 410, page 7, lines 7-9]. In addition, independent claim 48 claims receiving said data from a first content provider for said data, said first content provider being one of a plurality of content providers making data available to said client, where a server maintains a list of the plurality of content providers providing the content file [Specification, Fig. 4, blocks 430 and 460, page 11, lines 14-25]. Furthermore, independent claim 48 claims receiving identification information that identifies said first content provider, said identification information obtained by said first content provider from an original content provider of the data [Specification, blocks 430, page 11, lines 14-19]. Independent claim 48 also claims transmitting said identification information and payment for said data to said original content provider [Specification, Figure 4, block 470, page 11, line 26 – page 12, line 2]. Independent claim 48 additionally claims transmitting a request for a distribution tool to said original content provider, wherein said request for a distribution tool identifies said client as an additional content provider that distributes said data to other clients [Specification, Figure 4, block 490, page 12, lines 3-7]. Independent claim 48 further claims receiving said distribution tool, wherein the distribution tool includes identification information for the server and the client [Specification, Figure 4, block 495, page 12, lines 6-7]. In addition, independent claim 48 claims applying said distribution

tool to said data to identify said client as an additional content provider prior to distributing said data to a different client [Specification, page 6, lines 16-23]. Furthermore, independent claim 48 claims that the distribution tool is embedded in said data and the distribution tool is subsequently transmitted to the server by the different client after the different client downloads said data from said client, said clients are operated by users of the content file [Specification, page 6, lines 16-23]. Independent claim 48 also claims that, in response to said applying, transmitting, to the server, a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file, wherein the list of the plurality of content providers providing the content file is updated to include the client as the additional content provider providing the content file [Specification, page 6, line 31 – page 7, line 3].

Independent method claim 49 claims maintaining a list of a plurality of content providers that providing a content file [Specification; Fig. 4, blocks 430, page 11, lines 14-19]. In addition, independent claim 49 claims receiving, from a first client, identification information for a first content provider that provided said data to said first client [Specification; Fig. 4, blocks 430 and 460, page 11, lines 14-25]. Furthermore, independent claim 49 claims that the first content provider being one of the plurality of content providers making said data available to said first client and where said data comprises the content file [Specification, page 7, lines 14-21]. Independent claim 49 also claims receiving, from said first client, payment for said data [Specification, Figure 3, block 350, page 10, lines 16-21]. Independent claim 49 additionally claims receiving, from said first client, a request for a distribution tool, wherein the distribution tool identifies said first client as an additional content provider that provides the content file to other clients, wherein the distribution tool includes identification information for the server and the client [Specification, Figure 3, block 380, page 11, line 29 – page 12, line 1]. Furthermore, independent claim 49 claims transmitting said distribution tool to said first client for subsequent application of the distribution tool to said data by said client to identify said first client as an additional content provider prior to distributing said data to a second client by said first client [Specification, Figure 3, blocks 390, page 11, lines 1-4; page 6, lines 16-23]. Independent claim 49 additionally claims that the distribution tool is

embedded in said data and said clients are operated by users of the content file [Specification, page 6, lines 16-23]. Independent claim 49 further claims that, in response to the client applying the distribution tool, receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file [Specification, page 6, line 31 – page 7, line 3]. In addition, independent claim 49 claims updating the list of the plurality of content providers providing the content file to include the client as the additional content provider that provides the content file [Specification, page 6, lines 24-29]. Furthermore, an independent claim 49 claims receiving the distribution tool from the different client after the different client downloads said data from the client Specification, page 6, lines 24-29].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 9, 19, 30, 38, 48, and 49 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

II. Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 stand rejected under 35 U.S.C. § 103(a) as being rendered obvious by Levy et al., U.S. Publication 20030174861, Stefik et al., U.S. Patent No. 5,638,443, and Detlef, et al., U.S. Patent No. 6,848,002.

VII. ARGUMENTS

I. Claims 9, 19, 30, 38, 48, and 49 are Patentable under 35 U.S.C. § 112, first paragraph, because these claims comply with the written description requirement.

A. Claims 9, 19, 30, 38, 48, and 49 stand or fall together. Independent claim 9 is the representative claim.

The Examiner asserts that Appellant's claim element "in response to the client applying the distribution tool, receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file" as claimed in claim 9 is not supported in Appellant's specification. Appellant discloses that a client can apply a distributional tool to encrypted data so as to become a content provider for that encrypted data (See Appellant's Specification, paragraphs 25-26). In addition, Appellant discloses that the distribution tool can expire, in which the client sends a new request to the server to update the distribution tool and reinstate the client's status as a content provider (See Appellant's Specification, paragraph 26). Appellant respectfully submits that the request for reinstatement describes Appellant's claim element of "receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file." Furthermore, because the distribution tool cannot expire unless the client initially applies the distribution tool to the encrypted data, Appellant respectfully submits that the reinstatement request received by the server is in response to the client applying the distribution tool. Thus, Appellant respectfully submits that Appellant's disclosure supports the claim element "in response to the client applying the distribution tool,

receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file” as claimed in claim 9. Therefore, Appellant respectfully submits that claim 9 cannot be properly interpreted as not complying with the written description requirement.

II. Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 are Patentable under 35 U.S.C. § 103(a) over Arrouye et al. and Morris, because Arrouye et al. and Morris do not teach or suggest all elements in the claims.

A. Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 stand or fall together. Independent claim 1 is the representative claim.

Levy discloses a system of distributors licensed to distribute content to end users. The distributors include owners of the content, such as the artist or copyright holder. The distributors can embed links (OID) in the content that points to additional information associated with the content, i.e., metadata. Levy further discloses that if an end user receives content without a link, the end user can embed a link to metadata created by the end user. Subsequent end users of the content will then be directed to the metadata created by this end user. Furthermore, Levy discloses a distributor identifier that is embedded in the content.

Stefik discloses a system for controlling the use and distribution of composite digital works. A consumer of the composite digital work can redistribute the composite digital work.

Detlef discloses updating and maintaining content provider information and locations in a registry. A client accesses this registry only to gather or update information about content providers. However, Detlef is silent as to the content provider list indicating which content provider provides which specific content.

In independent claims 1, Appellant claims a client that transmits a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file. The Examiner admits that neither Levy nor Stefik teach or suggest this claim element and relies on Detlef to disclose it (Office Action, p. 5). Furthermore, the Examiner seems to admit that Detlef does not disclose the claimed element as well, because the Examiner states that Detlef discloses “a list of

content providers that is updated for current providers after accessing registry information.” However, after close examination of Detlef, Applicant respectfully cannot determine which of Detlef’s devices does the updating and in response to what action. Moreover, Appellant respectfully submits that Detlef is directed to a client that only accesses a registry of content providers and that Detlef’s client does not request to be part of Detlef’s registry. Thus, Appellant respectfully submits that Detlef does not teach or suggest a client that transmits a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file as claimed in claim 1.

Therefore, the combination of Levy, Stefik, and Detlef cannot properly interpreted as teaching or disclosing a client that transmits a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file as claimed.

Therefore, Appellant respectfully submits that the combination of Levy, Stefik, and Detlef does not teach or suggest all the elements of claim 1. Accordingly, Appellant respectfully submits that the combination of Levy, Stefik, and Detlef cannot properly be interpreted as rendering obvious Appellant’s independent claim 1.

VIII. CONCLUSION

Appellant's claims 9, 19, 30, 38, 48, and 49 are Patentable under 35 U.S.C. § 112, first paragraph, because these claims comply with the written description requirement. Appellant's claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 are patentable because the combination of Levy, Stefik, and Detlef does not teach or suggest all the elements of the claims. Accordingly, Appellant respectfully requests the Board reverse the rejections of claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 under 35 U.S.C. § 112, first paragraph and/or 35 U.S.C. § 103(a), and direct the Examiner to enter a Notice of Allowance for claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50.

Fee for Filing a Brief in Support of Appeal

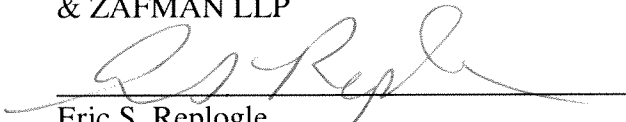
Enclosed is a check in the amount of \$540.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
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CERTIFICATE OF TRANSMISSION

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CLAIMS APPENDIX

1. (Previously Presented) A computerized method for execution by a client, the method comprising:

transmitting, by the client, a request to download data, wherein said data comprises a content file;

receiving identification information and data downloaded from one of a plurality of content providers storing said data, said identification information identifying said one content provider and obtained by said one content provider from an original content provider of said data, wherein a server maintains a list of the plurality of content providers that provide the content file;

transmitting, to said original content provider, said identification information for said one content provider, which downloaded said data, along with payment for the download of said data;

transmitting, to said original content provider, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients;

receiving said distribution tool, wherein the distribution tool includes identification information for the server and the client;

applying, by the client, said distribution tool to said data to identify said client as an additional content provider prior to distributing said data to a different client, wherein the distribution tool is embedded in said data and the distribution tool is subsequently transmitted to the server by the different client after the different client downloads said data from said client, said clients are operated by users of the content file; and

in response to said applying, transmitting, to the server, a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file, wherein the list of the plurality of content providers providing the content file is updated to include the client that requested and paid for said data as the additional content provider providing the content file.

2. (Original) The method according to claim 1, wherein said data is encrypted and contains a plurality of encrypted content files.

3. (Canceled)

4. (Previously presented) The method according to claim 1, wherein applying said distribution tool comprises embedding said distribution tool within said data.

5-7. (Canceled)

8. (Previously presented) The method according to claim 2, wherein transmitting said identification information further comprises:

transmitting said payment for download of a decryption tool for decrypting said data; and

receiving said decryption tool.

9. (Previously Presented) A computerized method for execution by an original content provider, the method comprising:

receiving, from a client, identification information for one of a plurality of content providers, which downloaded of data to said client, along with payment for the download of said data, wherein said data comprises a content file and a server maintains a list of the plurality of content providers that provide the content file;

receiving, from said client, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients, wherein the distribution tool includes identification information for the server and the client;

transmitting, by the server, said distribution tool to said client for subsequent application of the distribution tool to said data by said client to identify said client as an additional content provider prior to distributing said data to a different client by said client, wherein the distribution tool is embedded in said data and said clients are operated by users of the content file;

in response to the client applying the distribution tool, receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file;

updating the list of the plurality of content providers providing the content file to include the client as the additional content provider providing the content file; and
receiving the distribution tool from the different client after the different client downloads said data from the client.

10. (Original) The method according to claim 9, wherein said data is encrypted and contains a plurality of encrypted content files.

11-13. (Cancelled)

14. (Previously presented) The method according to claim 9, further comprising storing said distribution tool identifying said client.

15. (Previously presented) The method according to claim 9, wherein said distribution tool comprises a digital watermark.

16. (Original) The method according to claim 10, wherein receiving said identification information further comprises:

receiving said payment for download of a decryption tool for decrypting said data;
and
transmitting said decryption tool to said client.

17. (Original) The method according to claim 9, further comprising transmitting a fee to said one content provider.

18. (Original) The method according to claim 17, wherein said fee is predetermined and represents a percentage of said payment received for the download of said data.

19. (Previously Presented) A system comprising:

a client configured to transmit a request to download data, wherein said data comprises a content file; and

a server for an original content provider coupled to said client and configured to receive identification information for one of a plurality of content providers, which downloaded said data to said client, along with payment for the download of said data, to maintain a list of the plurality of content providers providing the content file, to receive a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients, wherein the distribution tool includes identification information for the server and the client, to transmit said distribution tool to said client, wherein said client is further configured to receive and apply said distribution tool to said content to identify said client as an additional content provider prior to distributing said data to a different client by said client, wherein the distribution tool is embedded in said data and said clients are operated by users of the content file, in response to said client applying said distribution tool, to receive a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file, to update the list of the plurality of content providers providing the content file to include the client as the additional content provider providing the content file, and to receive the distribution tool from the different client after the different client downloads said data from the client.

20. (Original) The system according to claim 19, wherein said data is encrypted and contains a plurality of encrypted content files.

21-23. (Canceled)

24. (Previously presented) The system according to claim 19, wherein said server stores said distribution tool identifying said client.

25. (Previously presented) The system according to claim 19, wherein said distribution tool comprises a digital watermark.

26. (Original) The system according to claim 20, wherein said server further receives said payment for download of a decryption tool for decrypting said data from said client, and transmits said decryption tool to said client.

27. (Original) The system according to claim 19, wherein said server further transmits a fee to said one content provider.

28. (Original) The system according to claim 27, wherein said fee is predetermined and represents a percentage of said payment received for the download of said data.

29. (Cancelled)

30. (Previously Presented) A computer readable medium containing executable instructions, which, when executed in a processing system for a client, cause said system to perform a method comprising:

- transmitting a request to download data, wherein said data comprises a content file;

- receiving identification information and data from one of a plurality of content providers storing said data, said identification information identifying said one content provider and obtained by said one content provider from an original content provider of said data, wherein a server maintains a list of the plurality of content providers providing the content file;

- transmitting, to said original content provider, said identification information for said one content provider, which downloaded said data, along with payment for the download of said data;

- transmitting to said original content provider, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients;

- receiving said distribution tool, wherein the distribution tool includes identification information for the server and the client; and

applying said distribution tool to said data to identify said client as an additional content provider prior to distributing said data to a different client, wherein the distribution tool is embedded in said data and the distribution tool is subsequently transmitted to the server by the different client after the different client downloads said data from said client, said clients are operated by users of the content file; and

in response to said applying, transmitting, to the server, a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file, wherein the list of the plurality of content providers providing the content file is updated to include the client as the additional content provider providing the content file.

31. (Original) The computer readable medium according to claim 30, wherein said data is encrypted and contains a plurality of encrypted content files.

32-35. (Canceled)

36. (Previously presented) The computer readable medium according to claim 30, wherein said distribution tool comprises a digital watermark.

37. (Previously presented) The computer readable medium according to claim 31, wherein transmitting said identification information further comprises:

transmitting said payment for download of a decryption tool for decrypting said data; and

receiving said decryption tool.

38. (Previously Presented) A computer readable medium containing executable instructions, which, when executed in a processing system for an original content provider, cause said system to perform a method comprising:

receiving, from a client, identification information for one of a plurality of content providers, which downloaded of data to said client, along with payment for the download

of said data, wherein said data comprises a content file and a server maintains a list of the plurality of content providers providing the content file;

receiving, from said client, a request for a distribution tool identifying said client as an additional content provider that distributes said data to other clients, wherein the distribution tool includes identification information for the server and the client;

transmitting said distribution tool to said client for subsequent application to said data by said client to identify said client as an additional content provider prior to distributing said data to a different client by said client, wherein the distribution tool is embedded in said data and said clients are operated by users of the content file; and

in response to the client applying the distribution tool, receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file;

updating the list of the plurality of content providers providing the content file to include the client as the additional content provider providing the content file; and

receiving the distribution tool from the different client after the different client downloads said data from the client.

39. (Original) The computer readable medium according to claim 38, wherein said data is encrypted and contains a plurality of encrypted content files.

40-42. (Canceled)

43. (Previously presented) The computer readable medium according to claim 38, wherein the method further comprises storing said distribution tool identifying said client.

44. (Previously presented d) The computer readable medium according to claim 38, wherein said distribution tool comprises a digital watermark.

45. (Original) The computer readable medium according to claim 39, wherein receiving said identification information further comprises:

receiving said payment for download of a decryption tool for decrypting said data;
and
transmitting said decryption tool to said client.

46. (Original) The computer readable medium according to claim 38, wherein the method further comprises transmitting a fee to said one content provider.

47. (Original) The computer readable medium according to claim 46, wherein said fee is predetermined and represents a percentage of said payment received for the download of said data.

48. (Previously Presented) A computerized method for execution by a client, the method comprising:

transmitting, by the client, a request to receive data, wherein said data comprises a content file;

receiving said data from a first content provider for said data, said first content provider being one of a plurality of content providers making data available to said client, wherein a server maintains a list of the plurality of content providers providing the content file;

receiving identification information that identifies said first content provider, said identification information obtained by said first content provider from an original content provider of the data;

transmitting said identification information and payment for said data to said original content provider;

transmitting a request for a distribution tool to said original content provider, wherein said request for a distribution tool identifies said client as an additional content provider that distributes said data to other clients;

receiving said distribution tool, wherein the distribution tool includes identification information for the server and the client; and

applying said distribution tool to said data to identify said client as an additional content provider prior to distributing said data to a different client, wherein the

distribution tool is embedded in said data and the distribution tool is subsequently transmitted to the server by the different client after the different client downloads said data from said client, said clients are operated by users of the content file; and

in response to said applying, transmitting, to the server, a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file, wherein the list of the plurality of content providers providing the content file is updated to include the client as the additional content provider providing the content file.

49. (Previously Presented) A computerized method for execution by an original content provider, the method comprising:

maintaining a list of a plurality of content providers that providing a content file;

receiving, from a first client, identification information for a first content provider that provided said data to said first client, said first content provider being one of the plurality of content providers making said data available to said first client, wherein said data comprises the content file;

receiving, from said first client, payment for said data;

receiving, from said first client, a request for a distribution tool, wherein the distribution tool identifies said first client as an additional content provider that provides the content file to other clients, wherein the distribution tool includes identification information for the server and the client;

transmitting said distribution tool to said first client for subsequent application of the distribution tool to said data by said client to identify said first client as an additional content provider prior to distributing said data to a second client by said first client, wherein the distribution tool is embedded in said data and said clients are operated by users of the content file; and

in response to the client applying the distribution tool, receiving a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file;

updating the list of the plurality of content providers providing the content file to include the client as the additional content provider that provides the content file; and

receiving the distribution tool from the different client after the different client downloads said data from the client.

50. (Previously Presented) The method of claim 49, further comprising:

receiving payment for said data from a second client.

EVIDENCE APPENDIX

NONE.

RELATED PROCEEDINGS APPENDIX

NONE.